

**DOVER PLANNING BOARD  
MINUTES OF MEETING**

Held: August 30, 1983  
Council Chambers  
Municipal Bldg., Dover, N.H.

Members Present: K. Forbes, P. Bouchard, W. Akerman, H. Preston, R. Steele, J. McAdams, G. Maglaras, S. Faria, W. Meserve and Planning Director T. Sheldon.

Chairman George Maglaras welcomed newest member Harold Preston to the Board.

**ITEM #1: Public Hearing** on the minor subdivision of lands of Donald Haskins Assessor's Map C, Lot 23, zoned R40 on Tolend and Glen Hill Roads.

-Mr. Sheldon explained the proposed subdivision of a 3.5 acre parcel into two building lots.

**Public Hearing Opened:**

-No one spoke in favor.

-No one spoke in opposition.

-There were no questions of the board of Mr. Haskins.

**Public Hearing Closed:**

-Moved by Steele, seconded by McAdams to table approval pending review of Camp Dresser report, NUS report, sewer conditions, and all considerations until the next schedule meeting on September 13, 1983.

-Mr. Haskins expressed concern over the Board's action, stating that future landowners were in no danger, and that the Water Supply and Pollution Control Commission have no objections.

-Mr. Steele stated that further investigation is needed. The City has already extended City water to 17 people in that area because their wells were contaminated.

-Mr. Steele withdrew his motion to table approval, Mr. McAdams withdrew his second to table approval.

The Board unanimously agreed to hold a site review on September 8, 1983 at 4:00 p.m., at the intersection of Tolend and Glen Hill Roads.

Moved by Steele, seconded by McAdams to postpone action until the site review on September 8, 1983 at 4:00 p.m., when the reports will be available for the board's review. U.A.

**ITEM #2: Public Hearing** on site review of Cecil Carpenter, Assessor's Map 22, Lot 9, zoned RM8, on Henry Law Avenue.

-Mr. Tim Pearson explained the proposal satisfies all zoning requirements; the Site Review Screen Committee has reviewed and approved the proposal as submitted. Mr. Pearson described the proposal of 32 luxury dwelling units with rents around \$500/month. This cluster concept will include two nine-unit buildings and two seven-unit buildings. To insure privacy, the proposal includes a seven foot fence adjacent to all abutters. All set-back requirements have been satisfied. The project will be landscaped with brick and granite.

**Public Hearing Opened:**

-Ann Fredette-that traffic on lower Henry Law is terrible; what access does the plan have that will prove safe? Mr. Pearson stated the proposal calls for one 32 foot wide access from Henry Law Ave; along with sidewalks. Mrs. Fredette expressed opposition.

-Gina Frew asked about width of roadway. She feels the exit does not adequately address the severe traffic congestion in that area.

-George Maglaras explained that the Council's Parking and Traffic Committee will look into the problem since the problem of congestion is the concern of the City Council and not one that should be addressed to Mr. Pearson.

-Mr. Forbes asked how many bedrooms are planned-to which Mr. Pearson answered that they are all two bedrooms. Mr. Pearson also emphasized that, contrary to what the local paper has stated, he is not discriminating against children. The fact is that usually, the type of luxury apartments proposed do not attract children.

-Mr. McAdams asked Mr. Pearson if the apartments were likely to attract two-car couples than would generate additional traffic rather than children who are more likely to ride buses. Mr. Pearson stated that he would be happy to have additional parking spaces to the 47 already proposed.

-Arthur Maglaras expressed concern with the traffic flow and would like to have an explanation given to residents in reference to traffic generated.

-Mr. Sheldon stated that the Police Department studied the issue, fully acknowledging roadway problems (no sidewalk or curb) and would like to see something done to improve the conditions; however they both have fully recommended approval. It was recommended by Planning Director Sheldon that the reconstruction of Henry Law Avenue should be a high priority Capital Improvement Activity in 1984.

- Patty Frew - Opposed. Contends that since Capt. Rowe does not live in the area he is not directly affected. Ms. Frew would like to see the development halted and give priority to reconstructing Henry Law Avenue.
- Kevin McKenney - Opposed. Expressed concern with the traffic and congestion. He does not see hard facts and figures by which the Police Department can **calculate** their decision.
- Mr. Forbes explained that 30 apartments might generate less trips per day than 10 houses. Studios and 1 bedroom apartments generate 3 trips per day.
- Marie LaVoie - Opposed. Acknowledged Mr. Forbes comments, however, believes that all trips occur basically at the same time of the day.
- Kevin McKenney asked if the sewer and water lines will be privately maintained. Mr. Pearson answered "yes".
- Joe Twardus - Opposed. Claims that Cricket Brook Apartments already generates too much traffic.
- Phyllis Dow - Opposed. Feels that the traffic is already terrible and that proposed development should not be considered. Mrs. Dow expressed concern with property values in that area.
- Mr. Steele addressed the issue stating that, as proven by past experience, any development Mr. Pearson may undertake would be beneficial to the community.
- Claude Lamie is concerned with school bus traffic. Opposed.
- Arthur Maglaras: 1) Width of Henry Law Avenue at egress?  
2) Houses from Hanson St. to Niles are practically on the road. If Henry Law Avenue is widened, what will happen to parking there.
- George Maglaras explained that the road will be upgraded, not widened; also the Council's Parking and Traffic Committee will be asked to look into that situation. Mr. Bouchard will obtain the information on the width of the road in time for the site review.
- Patty Frew asked where is the revitalization of Henry Law Avenue? Ms. Frew feels there are other items that deserve priority.
- George Maglaras addressed the resident's concern, explaining that Mr. Pearson has met all city requirements, and that the Planning Board has a legal responsibility to accept the proposal. Thus the Board will review and submit its recommendation to the City Council.

**Public Hearing Closed:**

It was the consensus of the members to schedule a site review for September 8, 1983 at 5:00 p.m.

Moved by McAdams, seconded by Bouchard to defer final approval of the subdivision until the next scheduled meeting on September 13, 1983, and not take any action at the site review on September 8, 1983. U.A.

Chairman Maglaras requested a 2 minute recess at 8:45 p.m. The Board reconvened at 8:55 p.m.

**ITEM #3: Public Hearing** on the proposed Public Sign Ordinance, Article IX, Chapter 170:32.

**Public Hearing Opened;**

- Susan Nichols stated that the Chamber of Commerce reviewed and approved of the sign ordinance with one stipulation, regarding A-Frame signs.
- Mr. McAdams asked Ms. Nichols if the Chamber's support came from the Board of Directors, or from the members of the Chamber. Ms. Nichols answered that the support was from the Board of Directors.
- Edgar Bois, representing the DHA gave their unanimous support for the ordinance and expressed relief that the City would now take the responsibility for the sign ordinance instead of the DHA.
- Tim Pearson spoke in favor of "some semblance of an ordinance", and said the ordinance needs uniformity for control and guidelines.

**Public Hearing Closed:**

Mr. Sheldon explained the regulation the Chamber of Commerce sited, changing the prohibition of temporary A-frame signs in the downtown area to allow them under strict regulation. A "hold-harmless" agreement would be required by the sign owner so the City would not be held liable if an accident were caused by the sign, and the sidewalk on which the sign is placed must allow a 5' clearance for pedestrians. Lighted and flashing temporary will not be allowed.

Moved by Meserve, seconded by Steele to approve the ordinance with the amendment and forward to the City Council. U.A.

**ITEM #4: New Business**

- A. Any business that may come before the Board.  
There was none.

**ITEM #5: Old Business**

Chairman Maglaras stated that Board member Bill Meserve submitted his letter of resignation effective September 12, 1983.

Moved by McAdams, seconded by Faria to accept Mr. Meserve's letter of resignation with regret. U.A.

Mr. Steele requested the secretary to notify the City Clerk of Mr. Meserve's resignation and forward to the Council's Appointment Committee Chairman. Mr. McAdams requested that a letter be forwarded to both the City Clerk and Appointment's Committee Chairman notifying them as such.

**Shaw's Realty-**

-Jack Thornton, Vice President of Shaw's Realty explained the final site plan. Armand Laliberte, Chairman of Rollinsford Planning Board was present at the meeting and expressed concern that the Dover Planning Board will grant approval to the Shaw development without addressing certain areas of concern the Rollinsford officials have:

- a) reserved right-of-way access to the Dover Bowl
- b) reserved right-of-way access from Central Avenue to land in Rollinsford not currently proposed for development
- c) the parking easement in the area of the Dover Bowl property

-Mr. Thornton assured Mr. Laliberte that there are several ways of getting from Central Avenue to Rollinsford. George Maglaras noted that the Board acknowledges the potential for development and that the Board will not deny Rollinsford access. Easements exist and are on record as such. Mr. Steele noted that there seemed to be unanimous approval from the City Council; however no formal vote was taken since the meeting was a workshop. Mr. McAdams said that there was not necessarily unanimous approval, but approval seemed to come from the majority of City Council members.

-Moved by Steele, seconded by Meserve to accept final site plan approval contingent upon preliminary site plan approval conditions with the provision that the topographic alignment be compatible with the adjacent development conditional upon Shaw's entering into an agreement with the City Council at the regular meeting of September 14, 1983, regarding the funding and construction of highway improvements in accordance with the plan proposed by Kimball-Chase and presented at the City Council workshop of August 17, 1983. U.A.

**Hannaford Brothers**

-Larry Plotkin, Vice President of Hannaford Brothers presented the final site plan. Mr. Plotkin asked the Board if there was any way that Hannaford Brothers could receive final approval now, rather than delaying until the September 14, 1983 City Council meeting. Mr. Plotkin went on to explain that Hannaford Brothers would be willing to pay for roadway improvements along its property line, and intersection signalization.

-Mr. Steele maintained that no guarantees could be made at present. Until there is a formal vote from the City Council, there is nothing binding on the City - therefore there remains an element of risk.

-Mr. McAdams noted that if the council is to have second thoughts there is no absolute guarantee of approval.

-Moved by Steele, seconded by McAdams to approve final site plan approval subject to preliminary site plan approval conditions, with the provision that the topographic alignment be compatible with the adjacent development, and conditional upon Hannaford Brothers entering into an agreement with the City Council at the regular meeting of September 14, 1983, regarding the funding and construction of highway improvements in accordance with the plan prepared by Kimball-Chase and presented at the City Council Workshop of August 17, 1983. U.A.

Moved by McAdams, seconded by Bouchard to adjourn. U.A.